



DRAFT

Page 1 of 25
Permit No. WA0040711

Issuance Date: May 11, 2004
Effective Date: July 1, 2004
Expiration Date: June 30, 2008
Modification Date: _____

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0040711**

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

**Exterior Wood, Inc.
P.O. Box 206
Washougal, WA 98671**

Facility Location:
2685 Index Street
Washougal, WA 98671

Receiving Water:
Columbia River at Mile 123.2

Water Body I.D. No.:
WA-CR-1010

Discharge Location:
Latitude: 45° 34' 15" N
Longitude: 122° 20' 40" W

Industry Type:
Wood Preserving

is authorized to discharge in accordance with the special and general conditions which follow.

Kelly Susewind, P.E., P.G.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

TABLE OF CONTENTS

SUMMARY OF PERMIT REPORT SUBMITTALS	4
SPECIAL CONDITIONS	
S1. DISCHARGE LIMITATIONS	5
A. Process Wastewater Discharges	
B. Stormwater Discharges from the Treated and Untreated Product Storage Areas	
C. Mixing Zone Descriptions	
D. Metals Criteria Adjustment	
S2. MONITORING REQUIREMENTS	6
A. Monitoring Schedule	
B. Sampling and Analytical Procedures	
C. Flow Measurement	
D. Laboratory Accreditation	
S3. REPORTING AND RECORDKEEPING REQUIREMENTS	8
A. Reporting	
B. Records Retention	
C. Recording of Results	
D. Additional Monitoring by the Permittee	
E. Noncompliance Notification	
F. Maintaining a Copy of This Permit	
S4. OPERATION AND MAINTENANCE	10
A. Operations and Maintenance Manual	
A. Bypass Procedures	
B. Duty to Mitigate	
S5. FACILITY LOADING	13
A. Design Criteria	
S6. SPILL PLAN	13
S7. BEST MANAGEMENT PRACTICES (BMPs)	13
A. Operational BMPs	
B. Structural BMPs	
S8. SEDIMENT MONITORING	14
A. Sediment Sampling and Analysis Plan	
B. Sediment Data Reports	
S9. OUTFALL EVALUATION	15

Modification Date: _____

S10.	STORMWATER POLLUTION PREVENTION PLAN (SWPPP)	15
A.	General Requirements	
B.	Implementation	
C.	Plan Evaluation	
S.11	COMPLIANCE SCHEDULE.....	
GENERAL CONDITIONS		18
G1.	SIGNATORY REQUIREMENTS.....	18
G2.	RIGHT OF INSPECTION AND ENTRY	19
G3.	PERMIT ACTIONS	19
G4.	REPORTING PLANNED CHANGES.....	20
G5.	PLAN REVIEW REQUIRED	21
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES	21
G7.	DUTY TO REAPPLY	21
G8.	TRANSFER OF THIS PERMIT	21
G9.	REDUCED PRODUCTION FOR COMPLIANCE	22
G10.	REMOVED SUBSTANCES	22
G11.	DUTY TO PROVIDE INFORMATION	22
G12.	OTHER REQUIREMENTS OF 40 CFR.....	22
G13.	ADDITIONAL MONITORING	22
G14.	PAYMENT OF FEES.....	22
G15.	PENALTIES FOR VIOLATING PERMIT CONDITIONS.....	22
G16.	UPSET	23
G17.	PROPERTY RIGHTS.....	23
G18.	DUTY TO COMPLY	23
G19.	TOXIC POLLUTANTS.....	23
G20.	PENALTIES FOR TAMPERING	23
G21.	REPORTING ANTICIPATED NON-COMPLIANCE.....	24
G22.	REPORTING OTHER INFORMATION	24
G23.	REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS	24
G24.	COMPLIANCE SCHEDULES	25

Modification Date: _____

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	August 30, 2004
S3.E	Noncompliance Notification	As necessary	
S4.A	Operation and Maintenance Manual	1/permit cycle	January 30, 2007
S4.B	Reporting Bypasses	As necessary	
S6.	Spill Plan	1/permit cycle, updates submitted as necessary	December 31, 2004
S9.A	Sediment Baseline Sampling and Analysis Plan	1/permit cycle	December 31, 2004
S9.B	Sediment Data Reports	2/permit cycle	December 31, 2004
S10.	Outfall Evaluation	1/permit cycle	June 30, 2006
S10.A.2	Stormwater Pollution Prevention Plan Modifications	As necessary	
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	December 31, 2007
G8	Notice of Permit Transfer	As necessary	
G21	Reporting Anticipated Non-compliance	As necessary	
G22.	Reporting Other Information	As necessary	

Modification Date: _____

SPECIAL CONDITIONS**S1. DISCHARGE LIMITATIONS**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

A. Process Wastewater Discharges

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee shall not discharge process wastewater.

Process wastewater is defined as all wastewater generated as a result of conditioning wood prior to or during the treatment process; any wastewater generated as a result of preservative formulation, recovery or generation; any wastewater generated as a result of process area cleaning operations including, but not limited to, wastewater from the drip pad, retort and tank farm maintenance operations; and any storm water associated with the process area including the tank farm, retort, drip pad and any area that treated product is moved across prior to its having ceased dripping.

B. Stormwater Discharges from the Treated and Untreated Product Storage Areas

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge stormwater from the treated and untreated (white wood) storage areas at the permitted location subject to meeting the following limitations:

EFFLUENT LIMITATIONS: OUTFALL # 001			
Parameter	Units	Final Maximum Daily¹ Effluent Limitations	Interim Maximum Daily Effluent Limitations
pH	Standard units (S.U.)	(²)	None
Oil and grease (O&G)	Milligrams per liter (mg/L)	10	None

¹ The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day.

² Within the range 6.0 to 9.0 at all times

Total suspended solids (TSS)	mg/L	50	200 (valid until June 30, 2008)
Arsenic	Micrograms per liter (µg/L)	111	None
Chromium	µg/L	180	None
Copper	µg/L	160	300 (valid until June 30, 2008)
Tebuconazole	µg/L	20	None

C. Mixing Zone Descriptions

The maximum boundaries of the mixing zones for Outfall 001 are defined as follows:

1. Chronic mixing zone shall not extend in a downstream direction for a distance from the discharge ports greater than three hundred seventeen feet (96.6 meters), or extend upstream for a distance of over one hundred feet. The resulting dilution factors are as follows:
 - a. 216 for arsenic, chromium, copper, and whole effluent toxicity
 - b. 48 for pH
2. Acute mixing zone shall not extend in a downstream direction for a distance from the discharge ports greater than thirty two feet (9.7 meters), or extend upstream for a distance of over ten feet. The resulting dilution factor is 52.

D. Metals Criteria Adjustment

The Permittee may provide data clearly demonstrating the seasonal partitioning of the dissolved metal in the ambient water in relation to an effluent discharge. Metals criteria may be adjusted on a site-specific basis when data is available clearly demonstrating the seasonal partitioning in the ambient water in relation to an effluent discharge.

Metals criteria may also be adjusted using the water effects ratio approach established by USEPA, as generally guided by the procedures in USEPA Water Quality Standards Handbook, December 1983, as supplemented or replaced.

S2. MONITORING REQUIREMENTS

The Permittee shall monitor in accordance with the following schedule:

Modification Date: _____

A. Monitoring Schedule

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Flow	Cubic feet per second (cfs)	Wet Well	Continuous	Metered ³ 1-hour and 96-hour averages ⁴
pH	Standard units (S.U.)	Wet Well	Once per month	Grab
Oil and grease (O&G)	Milligrams per liter (mg/L)	Wet Well	Once per month	Grab
Total suspended solids (TSS)	mg/L	Wet Well	Once per month	Grab
Arsenic	Micrograms per liter (µg/L)	Wet Well	Once per month	Grab
Chromium	µg/L	Wet Well	Once per month	Grab
Copper	µg/L	Wet Well	Once per month	Grab
Tebuconazole	µg/L	Wet Well	Once per month	Grab

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

Modification Date: _____

³ **Must be metered starting September 1, 2004; can be estimated before September 1, 2004.**

⁴ 96-hour average is a moving average with 96 nonzero 1-hour average flows.

The stormwater sampling frequency for all treated product storage areas shall be once per month. All samples shall be collected from the discharge resulting from a storm event with a rainfall intensity of at least 0.1 inches per day⁵. The storm event shall occur at least 24-hours from the previously measurable storm event. The grab sample shall be taken during the first 60 minutes of the storm event. If the collection of a grab sample is impractical within the first 60 minutes of a rainfall event, a grab sample can be taken during the first two hours instead. When this happens, the Permittee shall submit a description of why a grab sample was not possible during the first hour with the monitoring report.

If the Permittee is unable to collect a sample due to insufficient rainfall or due to adverse climatic conditions, the Permittee shall submit in lieu of sampling data an explanation of why samples were not collected. An adverse climatic condition that may prohibit the collection of samples includes weather conditions that create dangerous conditions for human beings or otherwise makes collection of a sample impracticable.

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period

⁵ 24-hours

shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be postmarked or received no later than the last day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to:

Industrial Unit Permit Coordinator
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, Washington 98504-7775.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

Modification Date: _____

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within 30 days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within 30 days (five days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit must be kept at the facility and be made available upon request to Department inspectors.

S4. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of collection and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operation and Maintenance

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department for approval by **January 30, 2007**. The O&M Manual shall be reviewed by the Permittee at least annually. Substantial changes or updates to the O&M Manual shall be submitted to the Department for review and approval whenever they are incorporated into the manual.

Modification Date: _____

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system.

B. Bypass Procedures

Bypass, which is the intentional diversion of stormwater from any portion of a collection and disposal system, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which

occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

- c. The Department is properly notified of the bypass as required in condition S3E of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or

Modification Date: _____

deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. FACILITY LOADING

A. Design Criteria

Pumping rate shall not exceed 4,600 gallons per minute (gpm)

S6. SPILL PLAN

No later than **December 31, 2004**, the Permittee shall submit to the Department an update to the existing Spill Control Plan for the prevention, containment, and control of spills or unplanned discharges of: (1) oil and petroleum products, (2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or (3) other materials which may become pollutants or cause pollution upon reaching state's waters. The Permittee shall review and update the Spill Plan, as needed, at least annually. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated spill control plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S7. BEST MANAGEMENT PRACTICES (BMPs)

The BMPs are structural and operational practices that reduce the exposure of chemical compounds and treated wood to rainfall and subsequently the quality of the stormwater runoff.

A. Operational BMPs

Modification Date: _____

The following operational BMPs are a condition of the permit:

1. Separate material handling equipment is used for treated and untreated wood so that equipment coming into contact with the drip pad stays on the drip pad.
2. Treated units of lumber are "cap wrapped" or completely wrapped to minimize exposure of treated lumber to the environment.
3. Frequent maintenance of catch basins to reduce exposure of runoff to contaminated sediments.
4. Treatment of lumber in accordance with process practices that increases the fixing of the treating chemicals in the wood and reduces potential contamination of stormwater.
5. Storage and maintenance of trams so the trams will not contact stormwater.
6. Sweeping the facility on a regular basis to remove potential contaminated particles from the pavement.

B. Structural BMPs

The following structural BMPs are a condition of the permit:

1. Using drip pads designed and installed in accordance with 40 CFR Part 265, Subpart W.
2. Using supplemental drying, such as air or heat, to accelerate the fixation process.
3. Covering the process areas (e.g., retorts and drip pads).
4. Using additional covered storage areas for treated lumber.
5. Providing secondary containment in chemical storage areas.

S8. SEDIMENT MONITORING

A. Sediment Sampling and Analysis Plan

No later than **December 31, 2004**, the Permittee shall submit to the Department the Sediment Sampling and Analysis Plan prepared as part of the lease application for authorization to use state owned aquatic lands for a stormwater outfall to the Columbia River. The Permittee shall follow the guidance provided in the *Sediment Source Control Standards User Manual*, Appendix B: Sediment Sampling and Analysis Plan (Ecology, 1995).

B. Sediment Data Reports

Modification Date: _____

The Permittee shall submit to the Department all Sediment Data Reports which have already been completed and contain the results of the sediment sampling and analysis no later than **December 31, 2004**. The Sediment Data Reports shall conform to the Sampling and Analysis Plan and Exhibit C for lease #20-070428.

S9. OUTFALL EVALUATION

The Permittee shall inspect, once during the permitting cycle, the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. No later than **June 30, 2006**, the inspection report shall be submitted to the Department.

S10. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled Stormwater Pollution Prevention Planning for Industrial Facilities, which is published by the Department.

The Permittee shall implement all the elements of the SWPPP including operational, treatment and source control BMPs, as well as erosion and sediment control BMPs determined necessary.

A. General Requirements**1. Submission, Retention and Availability:**

The Permittee shall retain the SWPPP on-site or within reasonable access to the site. The SWPPP and all of its modifications shall be signed in accordance with General Condition G1.

2. Modifications:

The Permittee shall modify the SWPPP whenever there is a change in the design, construction, operation or maintenance that causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two weeks of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless the Department approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.

Modification Date: _____

4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:
 - a. Assessment and description of existing and potential pollutant sources,
 - b. A description of the operational BMPs,
 - c. A description of selected source-control BMPs,
 - d. When necessary, a description of the erosion and sediment control BMPs,
 - e. When necessary, a description of the treatment BMPs, and
 - f. An implementation schedule.

B. Implementation

The Permittee shall conduct two inspections per year; one during the wet season (October 1 – April 30) and the other during the dry season (July 1 – August 31).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharge are being implemented and are adequate. The wet-weather inspection shall include observations of the presence of floating material, suspended solids, oil and grease, discoloration, turbidity, odor, etc. in the stormwater discharge.
2. The dry season inspection shall be conducted by personnel named in the SWPPP. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, non-contact cooling water, or process wastewater (including leachate) to the stormwater drainage system. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

C. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loading identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit, or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and a certification, in accordance with General Condition G1., that the facility is in compliance with the plan and this permit, and identifying any incidents of noncompliance.

Modification Date: _____

DRAFT

Page 17 of 25
Permit No. WA0040711

S11. COMPLIANCE SCHEDULE

The Permittee shall comply with the following schedule:

Submit an Operation and Maintenance Manual for a Stormwater Treatment System (STS) as required by Special Condition S4.A.

- A. Construct the STS by **February 28, 2007**.
- B. Complete the STS start -up and troubleshooting by **May 30, 2007**.

Modification Date: _____

GENERAL CONDITIONS**G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: (1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); (2) a significant change in the nature or an increase in quantity of pollutants discharged; or (3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by the Department. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be re-suspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: (1) an upset occurred and that the Permittee can identify the cause(s) of the upset; (2) the permitted facility was being properly operated at the time of the upset; (3) the Permittee submitted notice of the upset as required in condition S3.E; and (4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G23. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
 - 1. One hundred micrograms per liter (100 µg/L).
 - 2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
 - 3. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
 - 1. Five hundred micrograms per liter (500µg/L).
 - 2. One milligram per liter (1 mg/L) for antimony.
 - 3. Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

DRAFT

Page 25 of 25
Permit No. WA0040711

4. The level established by the Director in accordance with 40 CFR 122.44(f).

G24. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.